

## **Title IV-E Adoption Assistance**

### *Eligibility Determination Procedures*

## **SECTION 1: Authority/Overview**

### **1-1. Authority**

Title IV-E of the Social Security Act provides Federal funding for adoption assistance for children who meet eligibility criteria. [U.S. Code Title 42, Chapter 7, Subchapter 4, Part E, “Federal Payments for Foster Care and Adoption Assistance”].

### **1-2. Overview of Title IV-E for Adoption Assistance**

Title IV-E benefits are individual entitlements for an eligible child qualifying for adoption assistance. A child must meet the following qualifying factors for adoption assistance before the eligibility worker will determine if a child qualifies for a Title IV-E monthly subsidy. A region adoption committee or adoption worker is responsible to verify that qualifying factors have been met.

- A. The child cannot or should not be returned to the home of the child’s parents. (See Adoption Practice Guidelines, Section 401.9a, General Requirements for Adoption Assistance, C.1.)
- B. Efforts were made to place the child without adoption assistance. (See Adoption Practice Guidelines, Section 401.9a, General Requirements for Adoption Assistance, C.2.)
- C. The child meets special needs criteria. (See Adoption Practice Guidelines, Section 401.9a, General Requirements for Adoption Assistance, C.3.)

Beginning October 1, 2009, Title IV-E adoption assistance eligibility requirements were expanded for children who meet enhanced eligibility criteria. Eligibility workers will consider traditional and enhanced eligibility criteria to determine if a child is eligible for Title IV-E adoption assistance.

## **SECTION 2: General Requirements for IV-E Adoption Assistance**

### **2-1. Time Frame for Determination of Eligibility for Adoption Assistance**

The eligibility worker is responsible to document if a child is eligible for Title IV-E adoption assistance. Eligibility determination for adoption assistance is completed after regional staff has determined that a child qualifies for adoption assistance. Eligibility determination must be completed prior to finalization of the adoption assistance agreement and prior to finalization of the adoption.

In the case of adoption assistance being requested after finalization, eligibility is determined after the administrative appeal and hearing process has been completed.

If a child is determined eligible for Title IV-E adoption assistance, this means:

- If the child is receiving a monthly subsidy, the Division is reimbursed for a portion of the cost with Federal Title IV-E funds.
- The child is eligible for Medicaid in any state in which the child resides while the adoption assistance agreement is in effect.

## 2-2. *Child's Age*

### A. Traditional Eligibility

To be initially determined IV-E eligible for adoption assistance a child must under age 18.

### B. Enhanced Eligibility

1. A child who meets the age criteria specified below qualifies for Title IV-E adoption assistance if other enhanced eligibility criteria is met.

Child Age (or older)	Date Child Must Attain This Age	Earliest Date Adoption Assistance Agreement Can Go Into Effect
16	September 30, 2010	October 1, 2009
14	September 30, 2011	October 1, 2010
12	September 30, 2012	October 1, 2011
10	September 30, 2013	October 1, 2012
8	September 30, 2014	October 1, 2013
6	September 30, 2015	October 1, 2014
4	September 30, 2016	October 1, 2015
2	September 30, 2017	October 1, 2016
Any Age	September 30, 2018 or beyond	October 1, 2017 or beyond

2. A child under age 18 who has been in foster care for any previous 60 consecutive months may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met.
3. A child under age 18 who is a sibling of another child who qualifies for Title IV-E adoption assistance **under enhanced eligibility criteria** (age or length of time in care and other criteria) also qualifies for Title IV-E adoption assistance if placed for adoption in the same home as the qualifying sibling and if the child meets the general adoption assistance qualifying criteria specified in section 1-2 above. (Adoptive placement and adoption finalization do not have to occur at the same time.)

## 2-3. **Citizenship**

### A. Traditional Eligibility

1. To be IV-E eligible for adoption assistance, a child must be either a United States citizen by birth or naturalization or must be a qualified alien at the time adoption proceedings were initiated. Citizenship or qualified alien status must be verified for children receiving adoption assistance. Citizenship status may be verified with originals or copies of any document listed in Table IV of the Utah Department of Health Medicaid Manual. In addition to the documents listed in Table IV, an original or copy of an official church record (blessing or infant baptism) or hospital birth record may be used for citizenship verification. Qualified alien status must be verified through the Immigration and Naturalization Services verification process

### 2. *Automatic Citizenship*

Children, both biological and adopted, born in a foreign country automatically become U.S. citizens when they meet all of the following criteria at the same time **on or after** February 27, 2001.

- a. **At least one parent is a U.S. Citizen either by birth or naturalization.** The parent may become naturalized after the birth or adoption of a foreign born child; **AND**
- b. **The child is under age 18.** If an individual has turned 18 before February 27, 2001, or if the child turns 18 before a parent becomes a U.S. citizen, automatic citizenship does not apply; **AND**
- c. The child is living in the United States pursuant to a lawful admission for permanent residence and resides in the legal and physical custody of a U.S. Citizen parent. Permanent resident status could have been granted before, on or after February 27, 2001. The child must be residing with the U.S. Citizen parent on or after February 27, 2001; **AND**
- d. For an adopted child born outside the U.S., the adoption has been finalized either in the country from which the child is being adopted or in the United States. The adoption can take place in another country or in the U.S., and finalization may occur before, on or after February 27, 2001.

If a qualified alien child receiving adoption assistance is adopted by a parent who is a U.S. citizen, there is no longer a waiting period for Medicaid eligibility once the adoption is finalized, regardless of whether or not the child is IV-E eligible. (Contact the Title IV-E/Medicaid Trainer when additional information pertaining to qualified alien status is needed.)

## B. Enhanced Eligibility

Beginning October 1, 2009, traditional citizenship requirements apply to a child who meets enhanced eligibility criteria, with the following exception. A child who was either adopted outside of the U.S. or brought to the U.S. for the purpose of being adopted cannot be eligible for Title IV-E adoption assistance, including reimbursement of non-recurring expenses, except if the adoption dissolved and the child is placed in foster care and qualifies for Title IV-E.

### **2-4. Criminal Background Screening**

A child who is in the legal custody of the state may only be placed with prospective adoptive parents who have passed criminal background screening requirements as defined in state law. This requirement applies for both traditional and enhanced eligibility.

Beginning April 1, 2007, initial background screening for prospective adoptive parents of a child in state custody and any adults living in the home consists of:

- A fingerprint based FBI national criminal history records check for each prospective adoptive parent and each adult living in the home;
- Bureau of Criminal Identification report for Utah;
- Utah child and adult abuse and neglect registry checks;
- If the prospective adoptive parents or any adult living in the home resided outside of Utah in the five years prior to the date of application as an adoptive parent, a child abuse and neglect registry check for each adult living in the home for each state in which they resided.

“Prospective adoptive parent” means a family that is licensed, certified or approved as a resource or adoptive family and is willing to have a child in state custody (protective, temporary, adjudicated, or voluntary custody) placed on or after April 1, 2007 for the purpose of adoption.

“Prospective adoptive parent” also applies if a child in state custody was initially placed for foster care, but the status is changing to an adoptive placement and the adults living in the home have not previously met the April 1, 2007 background screening requirements, and the petition to adopt was not filed with the court prior to April 1, 2007. If the family filed the petition for adoption with the courts prior to April 1, 2007, they are not considered a “prospective adoptive family” and they are not subject to the background check requirements of the Adam Walsh Act.

Criminal background clearance for applicable persons in the home is verified as part of the adoption assistance eligibility determination process by reviewing either the hard copy of the cleared background screening application or the electronic background screening record.

## SECTION 3: Determining IV-E Eligibility For A Child Qualifying For SSI

### A. Traditional Eligibility

A child who has been determined eligible for Supplemental Security Income (SSI) by the Social Security Administration prior to the initiation of the adoption proceedings is eligible for Title IV-E adoption assistance.

Verification of eligibility for SSI is required. A copy of the award letter or proof of an SSI payment meets the verification requirement.

### B. Enhanced Eligibility

A child who meets one of the enhanced eligibility categories described in Section 2-2 and who also meets all medical and disability requirements for SSI may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met. The child does not have to meet the income and asset requirements for SSI, meaning the child may have lost SSI funding due to excess income or assets prior to initiation of adoption proceedings. Verification of prior SSI eligibility is required.

## SECTION 4: Determining IV-E Eligibility for a Child Adopted by a Caretaker Relative

There is no longer a separate category of eligibility for Title IV-E adoption assistance for a child adopted by a caretaker relative. To qualify for Title IV-E adoption assistance, a child must meet the requirements for a child entering adoption from State foster care (Section 5); must have been approved to receive SSI (Section 3); or must have had a Title IV-E adoption assistance agreement in a previous adoption (Section 6). [ACYF-CB-PA-01-01]

## SECTION 5: Determining IV-E Eligibility for a Child Entering Adoption Through the State Foster Care System

### **5-1. *Foster Child Adoption, First Adoption***

A child being adopted for the first time through the State foster care system is Title IV-E eligible for adoption assistance if the following are met:

#### A. Initial Eligibility for Child Entering Care by Court Order

##### 1 *Traditional Eligibility*

The child must have met all initial Title IV-E eligibility criteria for the current episode of foster care.

## 2 *Enhanced Eligibility*

A child who meets one of the enhanced eligibility categories described in Section 2-2 and who also met the following IV-E eligibility criteria on the initial foster care eligibility determination for the current custody episode may qualify for Title IV-E adoption assistance if other enhanced eligibility criteria is met:

- a. Physical or constructive removal (Title IV-E Foster Care Eligibility Manual Section 2-2 A and B)
- b. Legal requirements for court ordered removal
  - i. Custody (Title IV-E Foster Care Eligibility Manual Section 2-3 A)
  - ii. Contrary to the welfare/best interest language (Title IV-E Foster Care Eligibility Manual Section 2-3 B)

### B. Child Entering Care by Voluntary Placement Agreement

#### 1 *Traditional Eligibility*

In addition to 5-1.A.1 above, a child who entered State foster care through a voluntary placement agreement must also meet the following to qualify for Title IV-E adoption assistance:

- a. A court order must have been obtained by the 181st day of placement ordering the child into the custody of the Division and including “contrary to the welfare/best interest” language.
- b. At least one Title IV-E foster care maintenance payment must have been made for the child.

#### 2 *Enhanced Eligibility*

A child who meets one of the enhanced eligibility categories described in Section 2-2 and who entered State foster care through a voluntary placement agreement qualifies for Title IV-E adoption assistance if other enhanced eligibility criteria is met. No subsequent court order or IV-E payment is required.

### C. Child Entering Care by Up-Front Relinquishment of Parental Rights

#### 1 *Traditional Eligibility*

In addition to 5-1.A.1 above, a child who entered State foster care as a result of parents voluntarily relinquishing parental rights to the Division must also meet the following to qualify for Title IV-E adoption assistance:

Within six months of the child's entry into foster care, a petition must have been filed and subsequent court order issued that judicially removes the child from home and includes "contrary to the welfare/best interest" language. A court order that merely sanctions the relinquishment of parental rights does not meet Title IV-E requirements.

## 2 *Enhanced Eligibility*

A child who meets one of the enhanced eligibility categories described in Section 2-2 and who entered State foster care as a result of parents voluntarily relinquishing parental rights to the Division qualifies for Title IV-E adoption assistance if other enhanced eligibility criteria is met. No subsequent court order is required.

### D. Adoption of a Baby of a Foster Child

#### 1 *Traditional Eligibility*

Adoption assistance eligibility for a baby born to a foster child is based upon the foster child's eligibility if the baby is not taken into state custody. (If the baby is taken into custody or is not placed with the foster child, then a separate eligibility determination following normal eligibility procedures is completed for the baby.)

For a baby not in state custody, if the foster child met eligibility requirements in 5-1.A.1 above, and if applicable 5-1.B.1 or 5-1.C.1, the baby will be Title IV-E eligible for adoption assistance, if the following additional requirements are also met:

The baby's needs must have been met through Title IV-E foster care payments made to or for the child's minor parent (the foster child). In addition, the baby must have remained with the foster child until the initiation of adoption proceedings.

#### 2 *Enhanced Eligibility*

A baby who meets one of the enhanced eligibility categories described in Section 2-2 and who is a baby born to a minor foster parent qualifies for Title IV-E adoption assistance if the baby's minor parent (foster child) met the removal, court order, voluntary placement, or voluntary relinquishment requirements specified for enhanced eligibility in Section 5-1.A.2, 5-1.B.2, or 5-1.C.2, above and if all other enhanced eligibility criteria is met.

The minor parent (foster child) does not have to meet all IV-E eligibility criteria and no title IV-E payment has to have been made. The baby has to meet the age or months in care requirement for enhanced eligibility.

## SECTION 6: Determining IV-E Eligibility for a Child With Previous Title IV-E Adoption Assistance Agreement

A child who was eligible for Title IV-E adoption assistance in a previous adoption qualifies for Title IV-E adoption assistance in a subsequent adoption. There is no change in this requirement for enhanced eligibility.

Documentation of the previous adoption assistance agreement must be maintained in the case record.

## SECTION 7: Determining IV-E Eligibility for a Child Entering Adoption Outside the State Foster Care System Through a Licensed Child Placing Agency

A child being adopted outside of the foster care system, through a private, licensed child placing agency, **only** qualifies for an adoption assistance monthly subsidy or subsidized adoption Medicaid if the child meets the SSI criteria specified in Section 3 or had a previous Title IV-E adoption assistance agreement as specified in Section 6.

When SSI requirements or previous Title IV-E adoption assistance agreement criteria are met, and the child otherwise qualifies for adoption assistance, the child being adopted through a licensed child placing agency is Title IV-E eligible.

## SECTION 8: Determining IV-E Eligibility for a Child Entering Adoption Outside the Foster Care System Through an Independent Adoption

A child being adopted outside of the foster care system through an independent adoption **only** qualifies for an adoption assistance monthly subsidy or subsidized adoption Medicaid if the child meets the SSI criteria specified in Section 3 or had a previous Title IV-E adoption assistance agreement as specified in Section 6.

When SSI requirements or previous Title IV-E adoption assistance agreement criteria are met, and the child otherwise qualifies for adoption assistance, the child being adopted independently is Title IV-E eligible.

## SECTION 9: Medicaid Eligibility for a Child With Adoption Assistance

A child who is determined eligible for Title IV-E adoption assistance is categorically eligible for Medicaid in any state in which the child resides while the adoption assistance agreement is in effect, when specified in the adoption assistance agreement.

A child who is not IV-E eligible for adoption assistance may qualify for Medicaid by state plan option, depending upon rules of the state issuing adoption assistance and participation in



interstate compacts. Utah makes Medicaid available to all children with special needs receiving Utah adoption assistance, regardless of the child's Title IV-E eligibility status, when citizenship and identity requirements are met (see Section 2-3). In addition, Medicaid is available to children with adoption assistance agreements originating in others states if the state is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA).

Medicaid Policy Volume IIIF, Section 355, specifies Medicaid rules for children receiving adoption assistance (subsidized adoptions) in Utah.

## **SECTION 10: Adoption Assistance and the Interstate Compact on Adoption and Medical Assistance (ICAMA)**

Eligibility determination for interstate adoptions pertains primarily to provision of Medicaid for a qualified child with adoption assistance in accordance with state laws and interstate agreements.

### ***10-1. Child with Utah Adoption Assistance Moving from Utah***

When a child with Utah Adoption Assistance moves from Utah, eligibility workers are primarily responsible for the following:

- A. If the child is Title IV-E eligible, work with the subsidy technician to identify the Utah Medicaid closure date the subsidy technician will specify on the ICAMA forms. Close Medicaid effective on the specified date. Provide certified copies of citizenship and identify documentation for submission with ICAMA paperwork.
- B. If the child is not Title IV-E eligible, work with the subsidy technician to determine if Utah Medicaid will be closed or to get an updated address in the new resident state. Close Medicaid effective on the specified date, if applicable, or update address information, as needed.

### ***10-2. Child with Adoption Assistance from Another State Moving to Utah***

When a child with adoption assistance from another state moves to Utah, eligibility workers are primarily responsible for the following:

- A. Obtain written authorization to open Utah Medicaid from the designated ICAMA administrator, with program category specified. Also obtain from the program administrator applicable ICAMA paperwork and copy of adoption assistance agreement.
- B. Obtain additional information required for Utah Medicaid from adoptive parents, such as copy of birth certificate, identity documentation, and third party liability information.
- C. Maintain Medicaid case in accordance with Medicaid rules.
- D. Notify the ICAMA administrator of the date on which the child's Medicaid case opened.

## SECTION 11: Miscellaneous Eligibility Issues Related to Adoption Assistance

### **11-1. *Age/Termination of Eligibility***

Except as it pertains to maintenance of Medicaid, there is no need for the eligibility worker to determine continuing Title IV-E eligibility for the child with adoption assistance. Generally adoption assistance and its accompanying Title IV-E eligibility end when a child reaches age 18. However, the state may extend adoption assistance beyond age 18 when a child's disability warrants it. Title IV-E eligibility continues if the adoption assistance agreement is continued.

Medicaid coverage for a child with adoption assistance in Utah ends when the child reaches age 18, unless the state has extended adoption assistance beyond age 18 and the child is Title IV-E eligible.

If a child with adoption assistance is not Title IV-E eligible, Medicaid is discontinued at age 18 regardless of an extension to adoption assistance.

### **11-2. *Social Security Number and PID Number***

- A. Eligibility workers are responsible to assign new personal identification (PID) numbers for adoptive children, when appropriate.

The Subsidized Adoption Medicaid case should be opened under a new integrated case in eRep regardless of whether the Social Security numbers and PID numbers are changed.

- B. When a child is being adopted by kin, even if receiving a new name, the existing PID number is retained, unless one of the following circumstances can be documented: (1) harassment by birth family, or (2) client's identity is being used fraudulently by birth family.
- C. If a child is receiving a new last name, a new PID number will be assigned (except for a kinship adoption). If a child's last name remains the same, the existing PID number will be retained.
- D. If the child's PID number is changed, the Social Security Number will be removed from the former PID in applicable management information systems, unless the Social Security Number has also been changed (which will be extremely rare).

### **11-3. *Adoption Assistance Eligibility Record Keeping***

Eligibility workers are responsible to maintain eligibility records for all adoption assistance cases in which Medicaid is opened. Generally this record will be separate from the adoption assistance record while the case is open.

Once the adoption assistance case is closed, the Medicaid record must be combined with the adoption assistance record for archiving.

If an eligibility worker determined eligibility for adoption assistance for an adoption assistance case in which Medicaid isn't being opened, documentation of the eligibility determination must be maintained in the adoption assistance record.

#### **11-4 *Medical and Social Services***

For purposes of Titles XIX and XX, any child with respect to whom adoption assistance payments are made under this section will be deemed a dependent child as defined in Section 406 or the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this Title (as so in effect 7/16/1996). Titles XIX and XX services will be available to the child in the State in which the child resides.